

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN JOAQUIN PEREZ,

Defendant.

NO. CR-07-2067-RHW

**ORDER GRANTING MOTION
FOR RECONSIDERATION OF
JUDGMENT AND SENTENCE**

Before the Court is Defendant's Motion for Reconsideration of Judgment and Sentence Pursuant to F.R.Cr.P. 35 (Ct. Rec. 46). The motion was heard without oral argument and on an expedited basis.

On March 4, 2008, the Court sentenced Defendant to 40 months and ordered that the sentence be run consecutive to the undischarged State term of imprisonment. The Court entered the Judgment on March 12, 2008. On March 17, 2008, Defendant filed a motion to reconsider the judgment and sentence.

Specifically, Defendant asked that the Court order that the judgment and sentence run concurrent with the undischarged state term of imprisonment. At the time of sentencing, the parties anticipated that Defendant would complete his State sentence on April 12, 2008. This information may be in error. Consequently, in order to effectuate the Court's desired sentence, it is necessary to amend the judgment to reflect that the judgment and sentence run concurrent, as opposed to consecutive, to the undischarged state term of imprisonment. The Government agrees that the federal sentence should run concurrent with the State sentence.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Reconsideration of Judgment and Sentence (Ct. Rec. 46) is **GRANTED**.

2. The District Court Executive is ordered to amend the judgment to reflect that the Federal sentence run concurrent with the State sentence.

3. Defendant's Motion to Expedite Hearing (Ct. Rec. 48) is **GRANTED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to counsel, United States Probation Office, and United States Marshal Office.

DATED this 26th day of March, 2008.

s/Robert H. Whaley

ROBERT H. WHALEY
Chief United States District Court Judge

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